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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/738,208	12/15/2000	John R. Milton	10005368-1	1142

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

TRAN, QUOC A

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/738,208

Applicant(s)

MILTON, JOHN R.

Examiner

Quoc A. Tran

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 12/20/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-11 and 13-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-11 & 13-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: RCE and amendment, both filed 11/15/2004, to the original application filed 12/15/2000.
2. Claims 2-11 and 13-20 are currently pending in this application. Claims 2, 7, 28 and 13 are independent claims. Applicant cancelled claims 1 and 12.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/22/2004 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 4, 9 and 15 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Evidence that claims 4, 9 and 15 fail(s) to correspond in scope with that which applicant(s) regard as the invention can be found in

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the reply filed 12/15/2000. In that paper, applicant has stated "...*nature of a content*...", which are indefinite for failing to particularly point out and distinctly claim the subject matter, , see Amendment filed 12/15/2000, pages 3, 4 and 6. Clarification and/or correction are required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable by Truelson – US006223191B1 - filed 02/12/1998 (hereinafter '191), in view of Langford-Wilson US005953733A - filed 06/21/1996 (hereinafter '733).**

In regard to dependent claim 13, "*storing the original article in a memory of the computer system*", as taught by '733 at col. 5, lines 37-38 (i.e... allow the publication to store/remove Sections.... to/from the database...),

"*creating a pruning copy of the original article to be reduced*", as taught by '733 at col. 3, lines 4-7 (i.e... a newshole is filled in accordance with a design, and resizing of the newshole takes place if the fit is not in accordance with predetermined criteria ...), also as taught by '733 at col. 4, lines 54-61 (i.e... Layout Styles exist within each Section

and are defined by the publication. Each Section has its own set of Layout Styles, ... for example: lead stories, picture stories, fillers, secondary leads and so on...). Examiner interpreted lead stories, picture stories, fillers, secondary leads and so on, which could interpreted as claimed "*article*".

'733 does not explicitly teach, "*removing an amount of text from the pruning copy, thereby creating a reduced pruning copy having an amount of text that is less than the amount of text of the original article*", however as taught by '191 at col. 8, lines 5-40 (i.e... calculates the weighted score for the current line, it examines BestLine list 240 to determine whether any permutation of Line N has been stored which ends in the same word segment as the current permutation of Line N (step 406)... by removing the last word segment from the current permutation, and repeating the previously described steps from step 403. If the threshold is exceeded, it is considered extremely unlikely that acceptable permutations will be generated by further removal of word segments....),

" *and determining an information adequacy of the text of the reduced pruning copy relative to the text of the original article*", however as taught by '191 at col. 12, lines 20-30 (i.e... formula is used for providing a weighted score to permutations of text lines for purposes of judging which is best. It would be possible to employ any number of variations on this formula to take into account other factors, or to ignore factors taken into account by the formula described herein, or to change the relative weightings of the factors. It would further be possible to allow the user to customize the weighting factors...),

"storing the pruning copy in the memory", however as taught by '191 at col. 12, lines 20-30 (i.e... formula is used for providing a weighted score to permutations of text lines for purposes of judging which is best. It would be possible to employ any number of variations on this formula to take into account other factors, or to ignore factors taken into account by the formula described herein, or to change the relative weightings of the factors. It would further be possible to allow the user to customize the weighting factors...),

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified '191 into '733 to provide a way, wherein removing an amount of text from the pruning copy, thereby creating a reduced pruning copy having an amount of text that is less than the amount of text of the original article, and determining an information adequacy of the text of the reduced pruning copy relative to the text of the original article, and storing the pruning copy in the memory. One of the ordinary skills in the art would have been motivated to perform such a modification to provide a computer system that available with electronic tools that facilitate the building layout wherein the design "style" serve the purpose of giving the newspaper a unique or distinct look so that they are distinguished from their competitors, as taught by '733 col. 1, lines 30-67 (i.e... serve the purpose of giving the newspaper a unique or distinct look so that they are distinguished from their competitors...).

In regard to dependent claim 14, *"removing a last paragraph of the pruning copy"*, as taught by '733 at col. 1, lines 6-7 (i.e... provides a mechanism by which text and images for publishing can be prepared and/or edited...).

In regard to dependent claim 15, *"obtaining a first value measuring a nature of a content of the original article by performing an analysis of the content of the original article; obtaining a second value measuring a nature of a content of the pruning copy by performing an analysis of the content of the pruning copy"*, as taught by '733 at col. 8, lines 45-50(i.e... reads the size of the target layout, notes the Section and the Layout Style requested, and searches for Families within the Section/Style which contain Children whose minimum size is smaller than or equal to the target's and whose maximum size is equal to or greater than the target's...).

'733 does not explicitly teach, *"and comparing a ratio of the first value to the second value to a predefined threshold ratio"*, however as taught by '191 at col. 2, lines 50-65 (i.e... A permutation is pruned ... exceeded a given threshold; or if the weighted score is worse than the weighted score of another permutation which ends with the same word or word segment....).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified '191 into '733 to provide a way, wherein performing an analysis of the content of the original article by comparing a ratio of the first value to the second value to a predefined threshold ratio. One of the ordinary skills in the art would have been motivated to perform such a modification to provide a computer system that available with electronic tools that facilitate the building layout wherein the design "style" serve the purpose of giving the newspaper a unique or distinct look so that they are distinguished from their competitors, as taught by '733 col.

1, lines 30-67 (i.e... serve the purpose of giving the newspaper a unique or distinct look so that they are distinguished from their competitors...).

In regard to dependent claim 16, *"discarding the original article if the informational adequacy of the reduced pruning copy is insufficient to publish"*, as taught by '733 at col. 4, lines 15-22 (i.e... automatically adjusting the layout (or its elements) to accommodate or suit the user's manual edits; and/or suggesting that an entirely different layout would be more appropriate according to the predefined design style; and/or allowing the user to accept that suggestion, at which point the software may automatically build the new layout and/or use it to replace the previous one...).

In regard to dependent claim 17, *"including the reduced pruning copy in a publication if the informational adequacy of the reduced pruning content is sufficient to publish"*, as taught by '733 at col. 4, lines 15-22 (i.e... automatically adjusting the layout (or its elements) to accommodate or suit the user's manual edits; and/or suggesting that an entirely different layout would be more appropriate according to the predefined design style; and/or allowing the user to accept that suggestion, at which point the software may automatically build the new layout and/or use it to replace the previous one...).

In regard to independent claim 2, is directed to a system for performing the method of claim 13, and is similarly rejected under the same rationale.

In regard to dependent claim 3, is directed to a system for performing the method of claim 14, and is similarly rejected under the same rationale.

In regard to dependent claim 4, is directed to a system for performing the

method of claim 15, and is similarly rejected under the same rationale.

In regard to dependent claim 5, is directed to a system for performing the method of claim 16, and is similarly rejected under the same rationale.

In regard to dependent claim 6, is directed to a system for performing the method of claim 17, and is similarly rejected under the same rationale.

In regard to independent claim 7, is directed to a system for performing the method of claim 13, and is similarly rejected under the same rationale.

In regard to dependent claim 8, is directed to a system for performing the method of claim 14, and is similarly rejected under the same rationale.

In regard to dependent claim 9, is directed to a system for performing the method of claim 15, and is similarly rejected under the same rationale.

In regard to dependent claim 10, is directed to a system for performing the method of claim 16, and is similarly rejected under the same rationale.

In regard to dependent claim 11, is directed to a system for performing the method of claim 17, and is similarly rejected under the same rationale.

In regard to dependent claim 18, is directed to a system for performing the method of claim 13, and is similarly rejected under the same rationale.

In regard to dependent claim 19, is directed to a system for performing the method of claim 13, and is similarly rejected under the same rationale.

In regard to dependent claim 20, is directed to a system for performing the method of claim 13, and is similarly rejected under the same rationale.

Response to Argument

6. Applicant's arguments filed 07/22/2004 have been fully considered but are moot in view of the new ground(s) of rejection.

7. In response to applicant's argument on pages 8-9, that Langford does not show or suggested "article comprising text as claimed in claim 2". Examiner respectfully disagrees, as taught by Langford at col. 4, lines 54-61 states, Layout Styles exist within each Section and are defined by the publication. Each Section has its own set of Layout Styles... for example: lead stories, picture stories, fillers, secondary leads and so on. Examiner interpreted lead stories, picture stories, fillers, secondary leads and so on, which could interpreted as claimed "*article*".

Further more applicant's argument, that Langford does not show or suggested "*removal of text from these articles*". Examiner has been fully considered but is moot in view of the new ground(s) of rejection. As taught by '191 at col. 8, lines 5-40 (i.e... calculates the weighted score for the current line, it examines BestLine list 240 to determine whether any permutation of Line N has been stored which ends in the same word segment as the current permutation of Line N (step 406)... by **removing the last word segment** from the current permutation, and repeating the previously described steps from step 403. If the threshold is exceeded, it is considered extremely unlikely that acceptable permutations will be generated by further removal of word segments....). Examiner interpreted **removing the last word**, which could interpreted as claimed "*removal of text from these articles*". Therefor claims 2-11 and 13-20 remain rejected.

Conclusion


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quoc A. Tran whose telephone number is (571) 272-4103. The examiner can normally be reached on Monday through Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Quoc A. Tran
Patent Examiner
Technology Center 2176
December 21, 2004


SANJIV SHAH
PRIMARY EXAMINER